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TRANSMITTAL FORM

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Total Number of Pages in This Submission

Application Number	09/863,528
Filing Date	May 22, 2001
First Named Inventor	Daniel W. Nebert
Art Unit	1632
Examiner Name	Valarie Bertoglio
Attorney Docket Number	91830.0476945

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below): Summary of Record of Interview; Return Postcard.
<div>Remarks</div>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Frost Brown Todd LLC		
Signature			
Printed name	Stephen R. Albainy-Jenei		
Date	December 16, 2005	Reg. No.	41,487

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Atty. Docket: 91830.0476945

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Applicant: Nebert : Paper No:
Serial No. 09/863,528 : Group Art Unit: 1632
Filed: May 22, 2001 : Examiner: Valarie E. Bertoglio
For: **TRANSGENIC ANIMALS FOR MONITORING WATER QUALITY**

SUMMARY OF RECORD OF INTERVIEW

Confirmation No. 1421

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicants previously have filed a Response to the earlier Office Action, dated May 26, 2005. In response to the Interview Summary, dated November 17, 2005, please consider the following remarks:

REMARKS

Applicant's attorney thanks Examiner Bertoglio for the telephonic interview which took place on November 3, 2005. Discussion of the claimed invention and the cited art helped crystallize the distinctions over the art and, we believe, define patentable subject matter. The submitted amendments summarize the comments made by Applicant's attorney in that interview.

During the telephone conversation, the term "transgenic" was discussed as encompassing chimeric animals and the claims are enabled with respect to chimeras.

Also discussed during the interview was the term “known standard” that the Examiner discussed as not being defined by the specification. Claims 1 and 2 have been amended to more clearly state the method that must be used to practice the invention. The Examiner has expressed concern that the claims may be deficient because they do not require a determination of background expression for each organism prior to use. While Applicant respectfully maintains that correlating expression to a “known standard” is intuitive in the art, the current amendments make clear that a standard water sample containing a *known level of contaminant* must be used as a *reference* to standardize the transgenic organism.

It was agreed that claim 18 was confusing as it included both gene names and response elements and because it contains abbreviated gene names. Applicant has canceled claim 18.

Therefore, in view of the breadth of the claims as amended and the guidance provided by the specification, one of ordinary skill in the art at the time of the invention would not have required an undue amount of experimentation to make and use the claimed invention. In light of this, it is submitted that the claims of the present application, as amended herein, are patentable.

Conclusion

It is respectfully submitted that the claims currently pending in the present application are in form for allowance. Accordingly, reconsideration of those claims, as amended, is earnestly solicited. Applicants encourage the Examiner to contact their representative, Stephen R. Albainy-Jenei at (513) 651-6839 or salbainyjenei@fbtlaw.com.

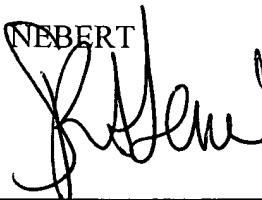
The Commissioner for Patents is hereby authorized to charge any deficiency or credit any overpayment of fees to Frost Brown Todd LLC Deposit Account No. 06-2226.

Serial No. 09/863,528

Respectfully submitted,

DANIEL W. NEBERT

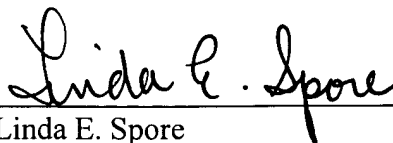
By



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Linda E. Spore